

Message

From: Maples, Brandon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9F0F99EC5B9C47B6A8A3601611E844A9-MAPLES, BRA]
Sent: 7/6/2022 9:45:37 PM
To: Nick Jones [njones@capturepointsolutions.com]
CC: Krishnan Raghunathan [kraghunathan@capturepointsolutions.com]
Subject: RE: pore space and land ownership question

So, unfortunately, I think Ian pretty well summed up in his response the best direction we can provide on the issue, but I did receive the following from one of my other UIC section colleagues:

Anyone pursuing a CCS project who wants to know about pore space rights will need to begin by researching what the case law is in their particular state (or tribal) jurisdiction. These are property law issues and involve complexities of surface rights, mineral rights, trespass, etc. This particular document has a list by state of what they think is true, with a number of references attached. I would not make any assumptions in any case and would recommend going to the attorney general's office of a state or Department of Interior for Federal lands or tribes with the question.

<https://www.globalccsinstitute.com/wp-content/uploads/2022/05/Brief-Pore-Space-Rights-5.24-12.pdf>

Apologies for not being able to provide a more helpful response. Unfortunately, it looks like this is quickly becoming an issue that operators are being forced to confront in multiple jurisdictions.

Brandon

From: Nick Jones <njones@capturepointsolutions.com>
Sent: Wednesday, July 6, 2022 11:21 AM
To: Maples, Brandon <Maples.Brandon@epa.gov>
Cc: Krishnan Raghunathan <kraghunathan@capturepointsolutions.com>
Subject: RE: pore space and land ownership question

Thanks Brandon, fundamentally we are trying to answer the question "How many acres of land do we need, is it solely related to the simulated plume size so many years (eg 40 years) post injection?"

Again many thanks

-Nick

From: Maples, Brandon <Maples.Brandon@epa.gov>
Sent: Wednesday, July 6, 2022 11:16 AM
To: Nick Jones <njones@capturepointsolutions.com>
Cc: Krishnan Raghunathan <kraghunathan@capturepointsolutions.com>
Subject: RE: pore space and land ownership question

It seems pore space rights/access are becoming a major issue in multiple states now, with variability between individual states and individual tribes. In a lot of areas, it appears that pore space rights are not clearly defined and may ultimately have to be settled by the courts. I'm not sure about Louisiana in particular, so let me circulate this to some others and see if anyone happens to know anything more.

Brandon

From: Nick Jones <njones@capturepointsolutions.com>
Sent: Wednesday, July 6, 2022 11:03 AM
To: Maples, Brandon <Maples.Brandon@epa.gov>
Cc: Krishnan Raghunathan <kraghunathan@capturepointsolutions.com>
Subject: RE: pore space and land ownership question

Hi Brandon, it's a general question and yes it is Louisiana.

Many thanks

-Nick

From: Maples, Brandon <Maples.Brandon@epa.gov>
Sent: Wednesday, July 6, 2022 11:01 AM
To: Nick Jones <njones@capturepointsolutions.com>
Cc: Krishnan Raghunathan <kraghunathan@capturepointsolutions.com>
Subject: RE: pore space and land ownership question

Nick –

Is this specific to the submission in Louisiana? Or specific to another state? Or just in general?

Brandon

From: Nick Jones <njones@capturepointsolutions.com>
Sent: Wednesday, July 6, 2022 9:59 AM
To: Maples, Brandon <Maples.Brandon@epa.gov>
Cc: Krishnan Raghunathan <kraghunathan@capturepointsolutions.com>
Subject: pore space and land ownership question

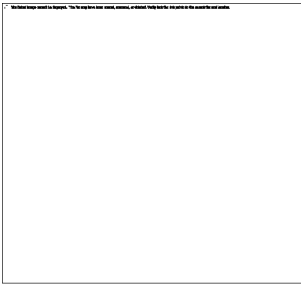
Good morning Brandon, say we are trying to better understand the issue pertaining to pore space. As we move through the process of finalizing lease agreements we are unable to locate any documentation that describes or defines land and pore space other than making the inference that only the land above the required pore space where the CO2 is to be sequestered required is to be wholly owned, leased or other such agreement that permits access to said pore space. Any help or direction from EPA on this would be tremendously helpful.

Many thanks.

-Nick

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